

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-against-

ALBERTO WILLIAM VILAR and
GARY ALAN TANAKA,

Defendants.

-----X

S I R S :

PLEASE TAKE NOTICE, that upon the annexed affirmation of Susan C. Wolfe, Esq., sworn to the 13th day of December, 2005, the accompanying Memorandum of Law, the Exhibits attached thereto, and all prior pleadings and proceedings had herein, the defendant, ALBERTO VILAR, will move this Court before the Hon. Kenneth Karas, United States District Judge for the Southern District of New York, located at 500 Pearl Street, New York, New York, at a date and time to be fixed by the Court for an Order,

Quashing a subpoena dated May 26, 2005 addressed to Amerindo Investment Advisors Inc., and

For such other and further relief as this Court deems just and proper.

Dated: New York, New York
December 13, 2005

YOURS, etc.,

HOFFMAN & POLLOK
Attorneys for the Defendant Alberto Vilar
260 Madison Avenue
New York, NY 10016

Page 2
12/15/2005

(212) 679-2900

TO: UNITED STATES ATTORNEY
Southern District of New York
One St. Andrews Plaza
New York, New York 10007
Attn: AUSA Marc Litt

CLERK OF THE COURT